IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.65088 -M of 2006

DATE OF DECISION: NOVEMBER 16, 2006

Bhola Masih

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.B.B.S. Teji, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.

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Petitioner Bhola Masih has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.211 dated 28.6.1992 registered under Sections 25/54/59 of the Arms Act at Police Station Sadar Fazilka.

I have heard the counsel for the parties.

In this case, the trial is pending since the year 1992. Counsel for the petitioner contends that earlier the petitioner was on bail. Subsequently, when the petitioner did not appear on 15.9.2004, then his bail bonds were cancelled and he was summoned through non-bailable warrants. Thereafter, the petitioner was declared Proclaimed Officer. Ultimately, he was arrested on 26.6.2006 and since then he is in judicial custody.

Counsel for the respondent-State pointed out that in this case on earlier occasion also, the petitioner jumped the bail and on one pretext or the other, he is delaying the proceedings. The petitioner is also moving application for exemption from personal appearance and not permitting the trial to be concluded.

Counsel for the petitioner contends that the petitioner is ready to furnish heavy surety with an undertaking that in future he will not abscond and will also not seek exemption from personal appearance.

Keeping in view the aforesaid facts and the fact that the petitioner is in custody since 26.6.2006, I deem it appropriate to grant regular bail to the petitioner and he is accordingly ordered to be released on bail to the satisfaction of the trial Court, subject to his furnishing heavy surety with an undertaking that in future he will regularly appear before the trial Court without seeking exemption from personal appearance.

November 16, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE